



## MAINE STATE BOARD OF EDUCATION

23 State House Station  
AUGUSTA, MAINE 04333

### STATE OF MAINE

---

The State Board of Education held a regular monthly meeting on June 14, 2006, at the Burton M. Cross State Office Building, Augusta with the following members present: Chair James Carignan; Vice Chair Philip Dionne, Joyce McPhetres, Ellie Multer, Janet Tockman, and Ann Weisleder. Excused: Jean Gulliver

Also present were: Commissioner Susan Gendron; Dan Conley, DE, Teacher Quality, Professional Development and Mentoring & Induction; and Scott Brown, Director, School Facilities; and Rhonda Casey, Clerk

### **CALLED TO ORDER:**

The meeting was called to order at 1:20 p.m.

### **CONSENT AGENDA**

RECEIPT OF THE UNIVERSITY OF MAINE AT PRESQUE ISLE PROGRAM  
APPROVAL VISITATION TEAM REPORT

MOVED by Joyce McPhetres, seconded by Janet Tockman, and unanimously voted by those present to approve the consent agenda.

### **REGULAR BUSINESS:**

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM *DESIGN AND FUNDING*  
*APPROVAL* CONSIDERATION, SAD #40, NEW MEDOMAK VALLEY MIDDLE  
SCHOOL PROJECT

Statement of Fact: The SAD #40 Medomak Valley Middle School project received Concept Approval at the November 10, 2004, Maine State Board of Education meeting. The project was approved at local referendum on January 11, 2005. This Design and Funding Approval is being requested pursuant to MRSA Title 20-A. The construction project will take place on the same site as the existing Medomak Valley High School. The project will close two old buildings, the A. D. Gray School and the old Warren School, pursuant to MRSA Title 20-A, §4102, sub-§1, and will house all SAD #40 seventh and eighth graders under one roof.

SAD #40 will provide a minimum of \$1,608,756 in local-only funds to provide additional improvements to the site and the building.

SAD #40 requests Design and Funding Approval for a new middle school project that qualifies under State statute and State Board of Education Rules for Major Capital School Construction Projects, and:

1. The SAD #40's proposed project is eligible for school construction aid under MRSA Title 20-A, Chapter 609;
2. The proposed project and the authorized method of financing are in the best interest of the State of Maine and SAD 40;
3. The SAD #40 total estimated capital outlay expenditures are reasonable; and
4. That SAD #40's proposed project is in compliance with MRSA. Title 20-A, Chapter 301, as it relates to the provisions of special education facilities.

Project Information:

Project: New Medomak Valley Middle School in SAD #40  
Superintendent: Pamela Carnahan, Ph.D.  
Principal: Benjamin Vail  
Architect: David Hart, The H. L. Turner Group, Inc.

Project Budget Information:

Concept Approval Date and Total Project Cost: November 10, 2004; \$13,162,834  
Design & Funding Approval Date and Total Project Cost: June 14, 2006; \$13,162, 834  
Local Only: \$1,608,756  
Maine High Performance School Grant: \$120,000  
Amount Included in Subsidized Debt Service: \$11,434,078  
Increase/Decrease from Concept Approval Amount: \$-0-

Commissioner Recommendation: The Commissioner recommends that State Board of Education grant Design and Funding Approval to SAD #40 for a new Medomak Valley Middle School Major Capital School Construction Project.

This approval constitutes approval of the design and the proposed budget. Final Funding Approval may be subject to adjustment under Section 15 of the State Board of Education Rules for Major Capital School Construction Projects, which states:

*“When it is determined by the Commissioner, following the opening of school construction bids, that there are surplus funds contained in a project budget, the State Board directs the Department of Education (DOE), with the advice of the Bureau of General Services, to initiate a process to lower the approved budget to the appropriate funding level, thus, providing additional funds for other projects awaiting concept approval.”*

MOVED by Ellie Multer, seconded by Joyce McPhetres, and unanimously voted by those present to grant Design and Funding Approval to SAD #40 for a new Medomak Valley Middle School Major Capital School Construction Project.

## ADOPTION OF AMENDMENTS TO STATE BOARD RULE CHAPTER 61 – RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS.

Statement of Fact: Chapter 61, *Rules for Major Capital School Construction Projects*, includes the requirements for approval of State-supported major capital school construction projects, and covers school sites, priorities for State-supported projects, building design, and funding.

There are a number of amendments in the proposed rule that attempt to clarify the rule and better define the roles of the school unit, the Department of Education, and the State Board of Education.

In these proposed revisions to Chapter 61, the State Board of Education defines “adequate education” as the term used in 20-A MRSA §15905(2), that requires the State Board of Education to make a determination that a proposed high school for less than 300 students “will have an adequate educational program.” The section specifying minimum site requirements has been replaced with a listing of the facilities that must be accommodated on a site. A requirement for a site investigation has been spelled out and provision has been made for alternate techniques of appraisal. The handling of costs related to Percent for Art projects is specified, the requirements for construction estimates are spelled out, and commissioning is provided for. Provisions are specified for requests for project change orders. A requirement for budget tracking is added as is a spelling out of the conditions for an interim audit. The handling of the costs of temporary borrowing is specified. Other proposed changes include revised terminology, additional definitions and increased uniformity of language to facilitate understanding.

Chapter 61 is a routine technical rule and thus not subject to time constraints that honor Legislative review and approval. The State Board of Education advanced the rule through Maine’s Administrative Procedure Act process by a vote of the Board at the April 14, 2004, meeting of the Board. Authority for this rulemaking is provided in M.R.S.A. 20-A Chapter 5, §405, M.R.S.A. Chapter 609, §15905, sub-§4 (also §15901 through 15917) and M.R.S.A. 30-A, §0000-3. The need for rulemaking is to clarify existing rules.

A public hearing was held on April 19, 2006, and written comments were accepted until 5:00 p.m. on April 29, 2006. Two individuals offered oral comments at the public hearing. Written comments were received from three individuals. Also received by the deadline were written comments from the Joint Standing Committee on Education and Cultural Affairs. Some comments resulted in minor changes to the rule proposal. The Summary of Comments and Responses is available by contacting the Department of Education, School Facilities Services Office. The final amended rule can be accessed electronically through the Secretary of State’s website.

The State Board of Education is being asked to adopt the proposed amendments to Chapter 61 as presented.

Recommendation: It is recommended that the State Board of Education adopt the proposed amendments to Chapter 61, *Rules for Major Capital School Construction Projects* as presented this day.

MOVED by Ellie Multer, seconded by Joyce McPhetres, and unanimously voted by those present to adopt the proposed amendments to Chapter 61, Rules for Major Capital School Construction Projects.

#### FINAL ADOPTION OF PROPOSED AMENDMENTS TO MAINE STATE BOARD OF EDUCATION RULE CHAPTER 115; CERTIFICATION, AUTHORIZATION, AND APPROVAL OF EDUCATIONAL PERSONNEL

Statement of Fact: This rule contains the requirements for certification, authorization, and approval of educational personnel who serve in the public and in certain approved private schools of the State of Maine. Standards and procedures for certification, authorization, and approval are included and are intended to provide the highest quality personnel to help students meet the standards of the System of Maine's Learning Results.

The Department of Education and the State Board of Education have reviewed the current rule Chapter 115 and have recommended certain amendments to the rule. On October 12, 2005, the proposed rule was presented to the State Board and the Board authorized the promulgation of the rule proposed in accordance with the Maine Administrative Procedures Act. The State Board held a public hearing on Monday, November 14, 2005, to receive oral comments regarding the proposed amendments to Chapter 115. The deadline for submission for written comments was November 30, 2005. Oral and written comments received were reviewed by Department staff and the Certification/Higher Education Committee of the Board and responses were prepared.

The State Board of Education provisionally adopted the proposed amendments during its December 14, 2005, meeting. These changes were subsequently considered as LD 1963 by the Legislature and were approved without further amendment.

Recommendation: That the State Board of Education accept for final adoption the proposed amendments to Chapter 115, Parts I and II, Certification, Authorization, and Approval of Educational Personnel, a major substantial rule of the State Board of Education.

MOVED by Janet Tockman, seconded by Ann Weisleder, and unanimously voted by those present to accept for final adoption the proposed amendments to Chapter 115, Parts I and II, Certification, Authorization, and Approval of Educational Personnel, a major substantive rule of the State Board of Education.

#### CHAPTER 118: PURPOSES, STANDARDS, AND PROCEDURES FOR EDUCATIONAL PERSONNEL SUPPORT SYSTEMS

Background: The Department and the State Board of Education propose to repeal and replace the rules governing educator certification support systems. Among the amendments

was the inclusion of required performance standards: Maine's Initial Teacher Certification Standards. The proposed amendments include revised definitions and procedures for use by local support systems, which support professional educators in seeking higher certification. The proposed changes to rule are the result of the work of a stakeholders group which has met monthly since January 2004. The proposed changes were presented to the Board for consideration with the concurrence of all stakeholders on May 20, 2006. Subsequent to action during the May 10, 2006, meeting of the Board it has been determined that it is necessary to append the existing rule to the repealed and replace changes so as to permit a transition period to remain in effect until the end of school year 2008-2009. By providing a transition period permits LEAs to phase in the new rules, which will become effective August 1, 2009. This rule is not major and substantive and thus is not subject to time constraints that honor legislative approval.

Recommendation: That the State Board of Education rescind its May 10, 2006, vote granting approval to initiate the Maine Administrative Procedures Act (APA) of the proposed changes to Chapter 118. It is further recommended that the Board approve the appending of existing Chapter 118 rules to proposed changes to Chapter 118 effective to August 1, 2009, and initiate the Maine Administrative Procedures Act (APA) for Chapter 118: Purposes, Standards, and Procedures for Educational Personnel Support Systems.

Motion to table the above exhibit until the July 12 Board meeting.

MOVED by Janet Tockman, seconded by Joyce McPhetres, and voted six in favor with one member abstaining (Ellie Multer) to table consideration of Chapter 118 until the July 12 State Board of Education meeting.

### **COMMISSIONER'S REPORT:**

Commissioner Gendron gave most of her report during the workshop portion of the Board's meeting. She then circulated and briefly discussed with the members of the Board the handout, Education Related Legislation Enacted by the 122nd Maine Legislature Second Regular Session.

### **CHAIR'S REPORT:**

Chair Carignan reported on the following:

- That he is planning to reconvene the Select Panel Task Force in July. He anticipates holding at least two meetings to discuss the reactions and input from the public over the last several months. The members of Select Panel hope to be able to finalize the report and present it to the State Board for review during the Board's September Retreat with subsequent action at the October 2006 meeting.

- That the Civic Education Task Force has received interest from a number of districts who are willing to commit to civic learning as a major organizing principle for the schools in the district.
- That he attended his final meeting of the NASBE study group “Civic Learning and Ethical Behavior in a Global Society: The Role of K-12 Education.” He would encourage Board members to serve on one of NASBE’s study groups if possible, as these groups are a wonderful opportunity for individuals.

## **BOARD MEMBER REPORTS:**

### Ellie Multer:

- That she and Jim would like to send a draft letter to members of the Board responding to a letter to an editor. The letter complained that essential programs and services are unfair to small schools.

### Janet Tockman:

- That the Making the Grade Award (MGA) Committee has completed its work and has awarded three schools with a plaque and a check for \$500. Jean assisted the committee by presenting the last award to a school within easy driving distance to her home. This year’s theme was citizenship.
- That the Sanford Vocational Regional Center which is in her “neck of the woods” the will be hosting the Board’s August meeting. The center is very excited to be hosting one of the Board’s meetings.

### Ann Weislder:

- That she wanted to thank both Jean and Jan for representing the Board and traveling to the different schools to present the awards.

### Phil Dionne:

- That the Maine Jobs Council (MJC) has finished its annual report and each Board member has received a copy.
- That on September 21 and 22 Bill Daggett will be returning to Maine to participate in the conference “Future of Maine’s Economy II.”
- That Rhonda has finished scheduling sites for the Board to visit and hold its meetings starting in July and ending in December. Enclosed in each member’s folders is a list for review.

### Jack Norris:

- That he would like to thank the members of the MG Award Committee for their hard work and assistance, and he would like to send a letter to Katie Wyman thanking her organization for its support and monetary donation.

### **ELECTION OF OFFICERS:**

The Nomination Committee submitted the nominations for chair and vice chair in May for consideration during the June 12, 2006 meeting, and they are as follows:

Vice Chair – Phil Dionne

Chair – Jim Carignan

MOVED by Joyce McPhetres, seconded by Janet Tockman, and unanimously voted by those present to accept the Nomination Committee's recommendation that Jim Carignan serve as chair and Phil Dionne serve as vice chair for the term beginning July 1, 2006, through June 30, 2007.

### **ADJOURNMENT:**

State Board of Education unanimously agreed to adjourn the June 14, 2006, meeting at 3:05 p.m.